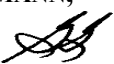




# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>10-19-10</b>	<b>AGENDA REQUEST NO:</b>	<b>III-J</b>
<b>INITIATED BY:</b>	<b>LINDA DRAPP, ADMINISTRATIVE SECRETARY</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>CITY SECRETARY</b>
<b>PRESENTED BY:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b>	<b>DEPARTMENT HEAD:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b> 
		<b>ADDITIONAL DEPARTMENT. HEAD (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>MINUTES CITY COUNCIL MEETING OCTOBER 05, 2010 APPROVE MINUTES</b>		
<b>EXHIBITS:</b>	<b>MINUTES OCTOBER 05, 2010</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>EXECUTIVE DIRECTOR:</b>	<b>N/A</b>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASST. CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b>
<b>BUDGET</b>			
<b>EXPENDITURE REQUIRED: \$</b>		<b>N/A</b>	
<b>CURRENT BUDGET: \$</b>		<b>N/A</b>	
<b>ADDITIONAL FUNDING: \$</b>		<b>N/A</b>	
<b>RECOMMENDED ACTION</b>			
Approve the minutes of the City Council meeting October 05, 2010.			

## EXHIBITS

STATE OF TEXAS §  
COUNTY OF FORT BEND §  
CITY OF SUGAR LAND §

CITY OF SUGAR LAND  
CITY COUNCIL REGULAR MEETING  
TUESDAY, OCTOBER 05, 2010

### REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, October 05, 2010 at 4:00 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor  
Thomas Abraham, Council Member at Large, Position One  
Jacqueline Baly Chaumette, Council Member at Large, Position Two  
Donald L. Smithers, Council Member District One  
Donald G. Olson, Council Member District Two  
Russell C. Jones, Council Member District Three  
Michael S. Schiff, Council Member District Four

### QUORUM PRESENT

All of said members were present.

Also present were:  
Allen Bogard, City Manager  
Glenda Gundermann, City Secretary  
Joe Morris, City Attorney, and  
A Number of Visitors

### CONVENE MEETING

*Mayor James Thompson* convened the session, open to the public, to order at 4:01 o'clock P.M.

### RECESS REGULAR MEETING

*Mayor Thompson* recessed the Regular Meeting to go into Closed Executive Session, time 4:05 o'clock P.M.

**CLOSED EXECUTIVE SESSION**

*Mayor Thompson* introduced Closed Executive Session as authorized by Chapter 551, Texas Government Code, in accordance with:

**Economic Development:** Section 551.087 (Discuss Economic Development)

a) For the purpose of deliberation regarding the offer of incentives for a business prospect with which the City is conducting economic development negotiations for development of a minor league baseball stadium. *Ms. Regina Morales, Director of Economic Development.*

**Real Property:** Section 551.072 (Discuss Real Property)

b) For the purpose of discussion with respect to acreage and value, assessment of proposed terms for site, and status of negotiations for real property to be acquired for development of a minor league baseball stadium. *Ms. Regina Morales, Director of Economic Development.*

**ADJOURN CLOSED EXECUTIVE SESSION**

*Mayor Thompson* adjourned the Closed Executive Session, time 4:25 o'clock P.M.

**RECONVENE MEETING**

*Mayor Thompson* reconvened the Regular Meeting, time 4:53 o'clock P.M.

**INVOCATION**

*Council Member Thomas Abraham* delivered the invocation.

**PLEDGE OF ALLEGIANCE**

*Council Member Abraham* led the pledge of allegiance to the Flag of the United States of America.

**PUBLIC COMMENT**

*Mayor Thompson* introduced Public Comment and entertained registered speakers. There were no public comments.

**SPORTS STADIUM**

**DEVELOPMENT AGREEMENT AND LEASE AGREEMENT EXHIBIT**

*Mayor Thompson* introduced consideration on a Development Agreement for the construction of a Minor League Baseball Stadium and the Lease Agreement Exhibit for a 25-year term, by and between the City of Sugar Land, Texas and Opening Day Partners, LLC.

**SPORTS STADIUM (CONTINUED)**

**DEVELOPMENT AGREEMENT AND LEASE AGREEMENT EXHIBIT (CONTINUED)**

*Ms. Regina Morales, Director of Economic Development*, stated in May 2010, the city approved a Letter of Intent (LOI) establishing Opening Day Partners (ODP) as the development partner for the City in design, construction, furnishing, and funding of the proposed stadium. ODP will own an expansion baseball team which will be a member of the Atlantic League of Professional Baseball Clubs. Since approval of the LOI, the city has committed to determining the most suitable site for the future Minor League baseball stadium. In June, the Imperial Sugar/Tract 3 site was chosen at the northeast corner of U.S. 90A and Highway 6 as the preferred location; after determining there are no issues with constructability of the stadium site and no negative impact on existing residential neighborhoods, the City Council on September 21, 2010 approved the site as the final location for the baseball stadium.

The Development Agreement includes: Development and construction of a first class Triple A caliber baseball stadium designed as a flexible multi-use facility. Project specifications of stadium include capacity of 7,500, expandable to 10,000; luxury suites and larger party suites, club area, other amenities including play areas; identifies site at northeast corner of Highway 6 and U.S. 90A; specifies locations: stadium improvement site 15 acres; adjacent parking site 5 acres; and offsite parking 6 acres.

The Development Agreement financial terms for project funding include: City funds \$25 million for stadium, ODP funds \$5 million for stadium, and City funds \$3 million for parking. The Agreement defines approval process for stadium plans, project budgets, FFE procurement and contractor selection; and includes conditions to commencement of construction of stadium. Lease executed and approved by Atlantic League, team and replacement team, design builder and guaranteed maximum price, governmental authorizations, business support, and equity contribution and financing; expected substantial completion April 01, 2012.

The Lease Agreement involves: Term of 25 years with renewal term: right of first negotiation (net lease); ODP will be the operator for the stadium and all parking sites; permitted events including baseball games, conventions and meetings, concerts and movies, festivals and fundraising galas, and other events. The Lease Agreement establishes an operating standard that covers the stadium area and parking, concessions, and security; provides for a future advisory committee; non-relocation clause requiring home games are played at the stadium and cannot relocate the team; future booking policy and procedures. ODP will retain all revenues from stadium activities and will pay the city an annual rent payment of \$80,000 plus additional participation rent; ODP assumes all responsibility for repairs and maintenance of the stadium; provides for naming rights approval of the City for the naming of the stadium.

The documents have been reviewed by the Finance/Audit Committee.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Smithers*, made a motion to approve the Development Agreement for construction of a Minor League Baseball Stadium and Lease Agreement for a 25-year term, by and between the City of Sugar Land, Texas and Opening Day Partners, LLC. The motion carried unanimously.

**SPORTS STADIUM (CONTINUED)**

**FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT**

*Mayor Thompson* introduced the First Amendment to the Redevelopment Agreement by and between the City of Sugar Land, Johnson Development Corporation, and Imperial Redevelopment District for minor league baseball stadium and parking sites.

*Mr. Jim Callaway, Executive Director Community Development*, stated the First Amendment to the Redevelopment Agreement and attached Exhibits provide a site for development of a minor league baseball stadium on Imperial/Tract 3 redevelopment property. The agreement outlines roles regarding land conveyance, public infrastructure, financial obligations, and obligations of the parties to the agreement which include the City, Imperial/Johnson LLC that represents the Imperial Redevelopment project, and the Imperial Redevelopment District.

Under terms of the Agreement, Imperial/Johnson obligations include: Convey 15 acre stadium tract and 6.84 acre off-site parking tract to the special District; sell 5 acre tract adjacent to the stadium tract to the City for \$4.50 per square foot; provide infrastructure and improvements necessary for development of stadium and surrounding land; provide temporary access for construction by February 15, 2011; dedicate all right-of-way and easements for public infrastructure by February 15, 2011; and finance and construct off-site force main to serve entire development.

Imperial Redevelopment District obligations include: Convey 15-acre stadium tract and 6.84 acre off-site parking tract to the City, free of charge; reimburse Developer \$4.57 million plus interest for stadium tract and off-site parking tract; engineer and construct all public infrastructure; and reimburse Developer for all public infrastructure costs, subject to TCEQ restrictions.

City obligations include: Construct a baseball stadium; construct and finance all parking facilities: \$3 million to be reimbursed with TIRZ No. 3 revenues, reimbursements structured evenly with final payment being no less than 5 years prior to the final year of the TIRZ; contribute a \$7 million lump sum payment to the District by March 31, 2011 for public infrastructure, City reimbursed with TIRZ No. 3 revenues; and provide \$2.7 million connection credits to Developer for construction of off-site force main.

Mutual obligations: The City and Developer will adopt a TIRZ Final Project Plan and Plan of Finance including all eligible project costs; the City and Developer agree to cooperatively design the property with complimentary architectural elements; the City, Developer, and District will develop a plan for maintenance and operation of right-of-way, infrastructure, and public services.

Reversionary Clause, Phase 1: If there is no construction contract by December 31, 2011, all land reverts back to the Developer, the City is exempt from payment on the 5-acre tract, the Developer must reimburse the City connection fee credits, and the City will reimburse all non-reimbursable, infrastructure costs.

**SPORTS STADIUM (CONTINUED)**

**FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT (CONTINUED)**

Reversionary Clause, Phase 2: If the stadium is not constructed by March 31, 2014, all land reverts back to the Developer, the District will refund any unspent or reimbursable portion of the City infrastructure payment, the Developer shall repay the City payments on the 5 acre tract, and the Developer shall reimburse the City any prior connection fee credits.

Mr. Callaway stated the agreement was approved but not executed by Imperial Redevelopment District; final drafting has been completed, Imperial Redevelopment District will approve and execute the agreement at the next regular meeting. Imperial Johnson will receive authority from the Texas General Land Office on October 19, 2010, to move forward with and execute all contracts and convey associated properties.

Mr. Callaway stated that Exhibits attached to the Amendment to the Redevelopment Agreement include: Exhibit K, the property descriptions; Exhibit L describes the \$21 million that the City and Developer are providing for public financing upfront, District reimbursement over time; Exhibit M is a purchase agreement for the adjacent tract, 5 acres that will be incorporated into the 20 acre stadium site, and the agreement parallels the provisions of the Redevelopment Agreement Amendment and includes use restrictions. Exhibit N is the purchase agreement to the stadium tract and off-site parking in which the City will purchase the 5 acres, \$4.50 per square foot, and the Developer will provide financing up to December 15, 2015.

Mr. Callaway stated the City Council Intergovernmental Committee has reviewed the documents.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Jones*, made a motion to approve the First Amendment to the Redevelopment Agreement by and between the City of Sugar Land, Johnson Development Corporation, and Imperial Redevelopment District for minor league baseball stadium and parking sites. The motion carried unanimously.

**REVIEW OF CONSENT AGENDA**

*Mayor Thompson* introduced Review of the Consent Agenda and entertained questions and/or comments.

**CONSENT AGENDA**

*Mayor Thompson* introduced V.A) **SECOND CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1801** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES BY INCREASING THE NUMBER OF MEMBERS OF THE PARKS AND RECREATION ADVISORY BOARD; V.B) **CITY OF SUGAR LAND RESOLUTION 10-47** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE CITY OF SUGAR LAND FISCAL YEAR 2010-2011 WORK PLAN; V.C) **CITY OF SUGAR LAND RESOLUTION NO. 10-44** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, SEEKING LEGISLATION THAT PROVIDES FORT BEND COUNTY CUSTOMERS WITH FULL VOTING MEMBER REPRESENTATION ON THE GULF COAST WATER AUTHORITY (GCWA) BOARD OF DIRECTORS; V.D) **CITY OF SUGAR LAND**

**CONSENT AGENDA (CONTINUED)**

**RESOLUTION NO. 10-45** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AUTHORIZING THE LAW FIRM OF LLOYD, GOSSELINK, ROCHELLE AND TOWNSEND, P.C. TO FILE ANY AND ALL CAUSES OF ACTION IT DEEMS NECESSARY TO ADJUDICATE THE CITY'S RIGHTS TO THE CANAL THAT IS SUBJECT OF THE CANAL LEASE, INCLUDING THOSE RIGHTS UNDER THE CANAL LEASE; V.E) Authorizing execution of a one-year Contract renewal in the maximum amount of \$388,105.00 with Bio Landscape and Maintenance, Incorporated for rights-of-way mowing services for the period October 01, 2010 through September 30, 2011; V.F) Authorizing execution of a one-year Contract renewal in the maximum amount of \$436,980.00 with Texas Lawn and Landscape Services for rights-of-way landscape maintenance services for the period October 01, 2010 through September 30, 2011; V.G) Authorizing execution of a Contract in the maximum amount of \$293,600.00 with Tidal Construction, Incorporated for Austin Parkway Water Tank Rehabilitation, CIP WA1004; V.H) Authorizing acceptance of Three Year Selective Traffic Enforcement Program (STEP) Grant in the amount of \$121,788.00 for speed enforcement; V.I) Authorizing execution of a Contract in the maximum amount of \$69,780.00 with Cypress Creek Pest Control, Incorporated for mosquito control services; V.J) Authorizing execution of a Contract in the maximum amount of \$135,549.00 with Kustom Sweeping, LLC for street sweeping services; V.K) Approval of the minutes of the regular meeting of September 21, 2010.

Following a full and complete discussion, ***Council Member Olson***, seconded by ***Council Member Chaumette***, made a motion to approve the Consent Agenda. The motion carried unanimously.

**CITY COUNCIL CITY MANAGER REPORTS**

**CITY COUNCIL REPORTS**

***Mayor Thompson*** introduced Community Events Attended or Scheduled.

***Council Member Chaumette*** reported attending the Indo-American Charity Foundation Gala and the Center for Houston's Future breakfast.

***Council Member Schiff*** reported attending a Groundbreaking for a library in Sugar Land that involves a partnership between the University of Houston, Wharton County Community College, and Fort Bend County; Indo-American Charity Foundation Gala; and reported National Night Out is being held in the evening at which Police and Fire Department staff will be visiting neighborhoods throughout the City.

**CITY MANAGER REPORT**

***City Manager Bogard*** reported Fire Station No. 7 Groundbreaking will be held on Thursday, October 7, at 5:45 p.m., in Telfair subdivision; Board and Commissions Reception will be held Thursday, October 7, at 6:30 p.m., at the Houston Museum of Natural Science Sugar Land; Saturday, October 9, at 9:00 a.m., is Paws for a Cause Dog Walk at Sugar Land Memorial Park; 10:00 a.m., Public Safety Open House and Fair will be held at Sugar Land Community Center October 9.

<b>OATHS OF OFFICE - BOARDS AND COMMISSIONS MEMBERS</b>
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**Mayor Thompson** administered the Oath of Office to members of the Animal Advisory Board, Building Standards Commission, Parks and Recreation Advisory Board, Planning and Zoning Commission, Sugar Land Development Corporation, Sugar Land 4B Corporation, and Zoning Board of Adjustment and Appeals.

The Mayor introduced the new slate of Board Members to the audience, noting that the annual Boards and Commissions reception is being held Thursday, October 7, from 6:30 – 8:30 p.m. at the Houston Museum of Natural Science Sugar Land, and expressed appreciation to the civic-minded volunteers for their invaluable contributions.

<b>ADJOURN</b>
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There, being no further business to come before Council, **Council Member Smithers**, seconded by **Council Member Olson**, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 5:37 o'clock P.M.

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Glenda Gundermann, City Secretary

(SEAL)